

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JP MORGAN CHASE, N.A.,**

Plaintiff,

v.

**JUAN SILVA,**

Defendant.

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Civil Action No. **3:13-CV-3314-L**

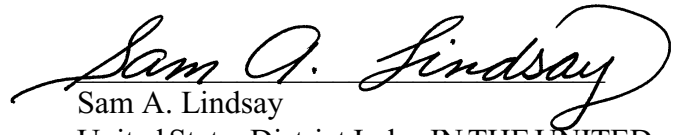
**ORDER**

This forcible detainer action was referred to Magistrate Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on July August 29, 2013, *sua sponte* recommending that this action be remanded to the Justice of Peace Court, Precinct No. 4, Place No. 2, Dallas County, Texas, from which it was removed. The magistrate judge further recommended that Plaintiff be warned that if he continues to file frivolous removal actions, he will be sanctioned, as this is the second time that the case has been improperly removed since May 2013. No objections to the Report were filed.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, for the reasons set forth in the Report, the court concludes that it lacks subject matter jurisdiction and the removal of this case was procedurally improper. The court therefore **remands** this action to the Justice of Peace Court, Precinct No. 4, Place No. 2, Dallas County, Texas from which it was removed. The clerk of the court **shall** effect the remand in accordance with the usual procedure. As Defendant is proceeding *pro so* and *in forma pauperis*, the court **concludes**, in the interest of justice, that no attorney’s fees

and costs are to be awarded pursuant to 28 U.S.C. § 1447(c); *however, if Plaintiff removes the action again, the court will impose sanctions as it deems appropriate, including but not limited to requiring Plaintiff to pay any attorney's fees incurred by Defendant.*

**It is so ordered** this 12th day of September, 2013.

  
Sam A. Lindsay  
United States District Judge IN THE UNITED